

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSE VILLOCH	:	CIVIL ACTION
Petitioner,	:	
	:	
v.	:	NO. 05-1913
	:	
MARILYN BROOKS, WARDEN, et al.	:	
Respondents	:	

ORDER

AND NOW, this 19th day of September, 2006, upon careful and independent consideration of the Petition for Writ of Habeas Corpus, the Response thereto, and after review of the September 5, 2006 Report and Recommendation of United States Magistrate Judge Arnold C. Rapoport, to which no objections have been made, **IT IS HEREBY ORDERED** that:

- (1) the Report and Recommendation is APPROVED and ADOPTED;
- (2) the Petition for Writ of Habeas Corpus is DENIED with prejudice and DISMISSED without an evidentiary hearing;
- (3) there is no probable cause to issue a certificate of appealability; and
- (4) the Clerk's Office shall close this case for statistical purposes.

IT IS SO ORDERED.

/s Paul S. Diamond, J.

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